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THE ADVISOR.

VOL. XII. No. 2269.

HONOLULU, TERRITORY OF HAWAII, MONDAY, OCTOBER 6, 1902

PRICE 5 CENTS.

AN INFANT NOT RESPONSIBLE

Decision on Damage Suit For Lost Horse and Carriage.

BOTELHO'S LOST WILL ADMITTED TO PROBATE

JUDGE ROBINSON DECIDES TWO INTERESTING CASES AND AD- JUDICATES PROBATE MATTERS.

Judge De Bolt this morning resumed the hearing of the Sumner guardianship case, with the respondent still on the witness stand from Friday.

Judge Robinson rendered a decision today in the matter of the lost will of Francisco Botelho. After making a finding of facts, which are familiar to the readers of the Bulletin, the court determines that the instrument filed on or about the 30th day of June, 1902, and lost or mislaid as found, "was and is and constitutes the last will and testament of said Francisco Botelho, deceased, and that the same is entitled to be admitted to probate as the last will and testament of said deceased. J. P. Dias is then appointed administrator with the will annexed under bond of \$2,150.

Judge Robinson also rendered a decision in the suit of C. H. Judd, doing business as the Walkiki Livery & Boarding Stables, vs. Wong Fui for \$300 damages for the loss of a horse, carriage, harness, etc., appealed from the Honolulu District Court, where judgment was given for plaintiff in the full amount claimed with costs and attorney's fees. It is found that at the time of the loss the defendant was an infant and under the legal age of majority, and the court holds:

"I think there is no proposition of law better settled than that an infant is not liable upon the contracts entered into by him, with certain very guarded exceptions, and the contract under consideration is not within the excepted classes."

Further, that while an infant is liable for his torts, yet an action based on contract cannot be converted into a tort in order to deprive the defendant of the benefit of his plea of infancy. There is nothing in the testimony tending to show that the defendant wilfully or maliciously lost or destroyed the property of plaintiff, nor is there any proof that defendant wholly departed from his character as bailee. Judgment is ordered to be entered for defendant for costs and attorney's fees.

The horse and carriage were blown over the Nuuanu Pail by a gale of wind.

Kahoohuli was appointed by Judge Robinson as executor of the will of Keahoh, w., under \$100 bond. Appraisers will be appointed to serve gratuitously, the estate being a small one.

Judge Robinson approved the accounts of J. M. Dowsett, executor of the will of H. M. Stillman, pending since last May.

FELL IN A FIT.

Mrs. H. B. Bergstrom fell down in front of the Territory Stables this forenoon, the victim of an epileptic attack. The patrol wagon was called and the lady was taken to the Queen's Hospital. Mrs. Bergstrom has on several occasions been subject to similar attacks. The present one is said by the hospital physicians to be not a very serious one.

Saturday and today Judge Estee naturalized 48 aliens, mostly Portuguese.

Judge Estee adjudged Ah Tim a bankrupt.

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OPTIC'S FAST TRIP STEAMER MADE GOOD RECORD THROUGHOUT

NOTEWORTHY PASSENGERS ARE ON BOARD—SIR JAMES MACKAY SOUND HOME TO ENGLAND.

The steamer Coptic arrived off port this morning and was docked at the Quarantine wharf at about 11 o'clock. She had a pleasant and uneventful passage, leaving Hongkong on September 16, Shanghai September 20, Nagasaki September 22, Kobe September 24 and Yokohama September 27. The passage from Yokohama to this port was made in nine days, thirteen hours and twenty-eight minutes.

The Coptic had a speedy trip throughout. She is a day early in this port and expects to be in San Francisco on Sunday, while she is not due there before Tuesday.

Among the passengers for this port are D. Brun, a French tourist who is on his way around the world; S. Fortes, who was formerly a resident here and who has many friends in the islands, comes from Tientsin, where he has been engaged in railroad business. He will leave for Hawaii tomorrow. He is accompanied by his wife and child. Dr. W. Volts is a Swiss tourist.

Among the passengers for San Francisco is Sir James Mackay, who represented England in the recent Chinese treaty negotiations.

Lieutenant Bell, another passenger, was connected with the Scouts in the Philippines.

Col. J. McE. Hyde, U. S. A., returns, accompanied by Mrs. Hyde, from Hilo, where he held the post of quartermaster.

Rev. W. G. McClure is a missionary who returns from his labors in Siam.

The Coptic brought in her steerage 390 Japanese and 9 Chinese for this port. She has 640 tons of freight for Honolulu.

The Coptic met the Korea in the Inland Sea between Kobe and Yokohama. The Coptic is scheduled to sail for San Francisco at 6 tonight.

THEY INSTALLED OFFICERS.

Walluku, Oct. 4. — Rev. J. Nua and Messrs. M. C. Rosa, W. E. Bal, J. Welch and others of the Halekalea Lodge, No. 1, K. of P., went over to Lahaina last Saturday evening to install the new officers of the newly organized K. of P. Lodge at Lahaina. The new lodge is called the Maui Lodge, K. of P., No. 2, and the officers installed are as follows: John Richardson, C. C.; David Kalei Kahalelo, V. C.; Philip Pail, M. E.; William Keane, K. of R. and S.; C. R. Lindsey, M. A.; Rev. Samuel Kapu, P.; Edward L. Waihalo, M. P.; John K. Richardson, M. W.; P. Noa Kahokuloula, I. G.; Chas. Hoopii, O. G.

After the installation of the officers, all repaired to the home of Col. John Richardson, where an excellent luau was served, after which music and dancing were introduced for the entertainment of the guests.

SECTION OF CABLE.

A section of the cable being laid by the cable ships Colonia and Anglia is on view in the window of the Imperial Cigar Store on Fort street, between King and Merchant. It is displayed in a very attractive manner by being thrust through a large card from the very midst of the folds of a British flag. In the upper right hand corner is drawn a part of British Columbia and in the left hand lower corner is Australia. In the lower right hand corner is a cable ship flying the British flag. The whole design is in water color and conveys the idea of the connection of British Columbia and Australia via Fanning Island and Fiji by the All-Red Line cable. Allan Dunn is the artist who conceived the clever design.

WAILUKU MARRIED MEN CHAMPIONS

Lahaina Benedicts Were Cheered By Sweet- hearts and Wives.

JOLLY SUNDAY GAME AT KILOHANA PARK

GOOD BEGINNING THAT ENDED IN WALK-OVER FOR WAILUKU MEMBERS OF THE TEAMS.

Walluku, Oct. 4. — Since the defeat of the Kahului Married Men by the Walluku Married Men's team, the benedicts of Lahaina put their heads together and devised ways and means of carrying the honors from Walluku. They practiced for several weeks and when they believed that they knew every rule in the 1901 book and could catch, at least they believed and imagined they could, every grounder and sky ball, and could bat even if Barney Joy was among Walluku players, a challenge was sent over from Lahaina by a special messenger, for it was too important to be entrusted to the care of the coachman who drives the do Rego's mule coaches.

When the challenge reached here the reputation of the Lahainites seemed to be a great obstacle in the way and the Wallukus hesitated a while before the challenge was finally accepted. The Wallukus only wanted to collect together all the best players among the married men, but they wanted sufficient time for practice, for their reputation was at stake. The well-earned glories wrested from the Kahului only a month before was constantly before their minds. But rather than forfeit the honors won on a hard-fought battle with the Kahului, the challenge was accepted and the date of the great game was arranged to come off in two weeks' time, Sunday, September 28th, was the auspicious day agreed upon by the contestants. For two weeks the gray-haired athletes of Walluku toiled at Wall's Park, and the result of last Sunday's game proved the result of one many afternoons of hard and severe practice.

Long before 2 o'clock last Sunday afternoon, Kiloehana Park, Lahaina, was crowded with baseball players and spectators, many of them ladies, mothers, wives and sisters of the Lahainites, who went out there for the special purpose of cheering for their dear ones and hooting their opponents to ignominious defeat. A few ladies from Walluku, however, were on the scene and they had the most audacious nerve to cheer for the home team, but their melodious ovals were drowned by the deafening and almost superhuman screams of the Lahaina kids. These youths seemed to have huge lungs with throats made of gutta percha.

The Wallukus were first to bat. E. M. Brown, formerly captain of the Hilo team that came to Walluku the early part of the year, pitched for the Lahainites, while Kauwenaole caught. Pickard, Cornwell and Coke went out in succession. Brown, Kauwenaole and Morris of the Lahaina team followed in similar order. In the second inning, Bailey, Bal and Enos of the Walluku team were put out in rapid succession. The Lahaina team likewise failed to score. In the third and fourth innings the Wallukus again failed to score, while their opponents made one run each in the third and fourth innings.

The supporters of the Walluku team began to look somewhat downhearted. They had seen their men put out in one, two and three order; four innings played and no runs made. It was gloomy indeed for the Walluku team. On the other hand, the admirers of the Lahaina team were parading proudly and passing remarks in this wise: "What do you think of Lahaina now?" "Go 'way back and sit down!" "Ain't they daisy players?" These remarks seemed to weigh heavily on the minds of the visiting team and only prompted them to improve their playing, which they did in marvelous style. From the fifth to the ninth the Wallukus scored twenty runs, nine of which were made in the sixth inning. The tide began to turn which the home team could not stop.

In the ninth and last inning the Lahainites scored one more run. The following was the line-up:
Lahaina—E. M. Brown, p.; W. Kauwenaole, c.; Wm. Morris, ss.; Pilapau, cf.; E. Waihalo, rf.; W. F. Kase, lb. (captain); H. Kia, 3b.; C. R. Lindsey, if.
Walluku—T. Pickard, p.; W. H. Cornwell Jr., c.; J. L. Coke, ss. (captain); G. Bailey, cf.; W. E. Bal, lb.; Huakini Enos, 3b.; G. Maxwell, rf.; W. T. Robinson, 2b.; Clement Crowell, if.

Score by Innings.
Lahaina 0 0 1 1 0 0 2 1—5
Walluku 0 0 0 0 3 3 3 1—20

HIGH SHERIFF TO SUPPRESS

ALL RAFFLES

High Sheriff A. M. Brown is taking cognizance of the increasing prevalence of raffles for disposing of property and will adopt measures to make it warm for violators of the law detected in such practices.

Referring to a news announcement given prominently in the Advertiser that Arch. A. Young had decided to dispose of "Cyclone," the famous pacer which was driven by James Quinn on June 11 at Kapiolani Park to a victorious finish, by a raffle at \$5 a chance out of 250 chances next Saturday, the High Sheriff said this morning:

"There is entirely too much of this thing going on. The public should be reminded that all kinds of lotteries are distinctly against the law. It is my intention to prosecute anybody and everybody discovered in conducting or promoting raffles."

TOO MUCH SAKÉ CAUSES A FIGHT

Last night as Mounted Patrolman Eugene Duvauchelle was enjoying a quiet evening on the porch of his house in Kalihi at the end of the car line, his peace was suddenly disturbed by the arrival of a Japanese, covered with blood, who told him that he had been the victim of an assault. A moment later, another Japanese came by and, being told by the first man that this was one of his assailants, Duvauchelle placed him under arrest. The Japanese then showed him the place where the row had taken place. This proved to be a house on the road leading down to the slaughter house.

As the inmates would not let Duvauchelle enter, he sent for the patrol wagon, which soon arrived with assistance. The policemen on entering the house thought they had gotten into a slaughterhouse by mistake. The floor was literally covered with blood, while nearly all the Japanese were more or less bruised. They had been starting a luau, a bathtub completely filled with beer bottles furnishing the inspiration. After drinking a little, a row had started and the jovial crowd had gone for each other with the bottles. The police arrested a number of the men, charging two of them with affray, as they seemed to have been the ringleaders, and the rest of them with drunkenness.

The cases were brought in court this morning. Of the "drunks" Muraaki and Kurasaki admitted it was a case of too much saké and were fined \$2 and costs. The rest forfeited bail. Kojima and Uida had their cases continued as Uida was in the hospital and unable to appear.

PLUGGING MAUI TEETH.

Walluku, Oct. 4. — Dr. O. E. Wall of Honolulu was in Lahaina last week and also this week attending to the dental needs of the Lahaina folks. He will come over to Walluku next week and will likewise take in Puunene and Makawao districts. There is always room for one more dentist in Walluku, for Dr. R. W. Boote has always his hands full.

DICKINS BIRTHDAY LUAU.

Walluku, Oct. 4. — Mr. and Mrs. A. G. Dickins gave a luau to their many friends yesterday (Friday) afternoon. The occasion was a celebration of the natal day of one of their children. It was a very enjoyable affair, the luau lasting all afternoon.

SUGAR BOILER AT PUUNENE.

Walluku, Oct. 4. — W. Lougher, who some time ago was sugar boiler at Kukuihaele, Hawaii, is now day sugar boiler for the immense Puunene sugar mill. Mr. Lougher sustained a severe injury in his shoulder by a fall on the cement floor in the mill and is getting better now.

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FISHERY RIGHT TEST CASE ON

Supreme Court Calendar Called This Morning.

FIRE COMMISSION CASES ON WEDNESDAY

JUDGES DE BOLT AND GEAR WILL SIT WITH JUSTICE GAL- BRAITH TO HEAR THEM.

Chief Justice Frear and Associate Justices Galbraith and Perry opened the autumn session of the Supreme Court punctually at 10 o'clock. The jurists looked eminently fit for business after vacation, which the first two spent on the Mainland and the last at his seaside residence.

There was a large attendance of members of the bar for the calling of the calendar.

There are 39 causes, most of which were announced ready.

The first cause for hearing was H. Hackfeld & Co. vs. Hilo Railroad Co., which was partly heard on a motion and continued till tomorrow.

The fishery right cases were advanced to the first order for this afternoon. These are not listed in the above number excepting that of the Bishop Estate Trustees which will be determined as a test for all. Hatch & Silliman appear for plaintiffs-appellant, and Robertson & Wilder for the Territory.

The Fire Claims Commission cases are set for Wednesday. Circuit Judges De Bolt and Gear will sit with Associate Justice Galbraith in place of Chief Justice Frear and Associate Justice Perry, disqualified.

The following are continued till next session: Hawaii Mill Co. vs. Alfred Andrade, Kapiolani Estate vs. Kane-ohe Ranch Co. and Sun Kwong Mau Co. vs. Waikiki Land & Loan Association, this last being the famous case involving the right of way of the Rapid Transit Co. over the Waikiki marshes.

The following are to be submitted on briefs: Tomikawa vs. U. Gama from Fourth Circuit, B. L. Jones vs. J. K. Peterson from Fourth Circuit and High Sheriff ex rel Lee Wal vs. Hawaiian Supply Co. from Honolulu District Court.

LEASES INVIOABLE

Attorney General E. P. Dole today rendered the following opinion to E. S. Boyd, Commissioner of Public Lands:

"Referring to your inquiry, whether you have lawful authority as Commissioner of Public Lands to cancel the leases of the Hamoa Plantation Company, at the request of its agents, C. Brewer & Co., Ltd., I feel compelled to say that I think you have not."

"This Government, and the Republic, and the Monarchy, leased tens of thousands of acres of land at rentals which are now far below their annual value. It would be an extraordinary position if the government should claim that it had the right to cancel these leases and repudiate its contracts because, as the years have gone by, land values have increased. The same principle applies in this instance, where the rental agreed upon exceeds the present annual value of the land. The office which you hold in trust for the public does not, I think, include the power to cancel, without consideration, a contract plainly for the benefit of the public."

BODY NOT FOUND.

The body of young James Lucas had not been found up to 2 o'clock. Chester Doyle, who returned from Kahala this noon reports that a dense haze is hindering the searchers very much in their work.

The steam launch Talua was sold by Auctioneer Morgan on the Irmgard wharf this noon. The bidding was not very lively and she was knocked down for \$550.

Judgment is entered in the Circuit Court in favor of Emily C. Williams vs. W. R. Sims for \$190.19 including interest and law costs.

Governor Dole is in the country today and Secretary Cooper only arrived in town by this afternoon's train.

Costs of plaintiff in Emmeluth & Co. vs. B. T. White have been taxed at \$17.83.

KAUAI REGISTRATION SPEAKER AKINA SAYS THERE IS INCREASE

BELIEF THAT GARDEN ISLE WILL GO HOME RULE—NATIVES HAVE BEEN BUSY MAK- ING SPEECHES.

Kauai will go Home Rule. This is the verdict of J. A. Akina, Speaker of the House of Representatives at its last session. Mr. Akina arrived from his home on the Garden Isle yesterday, fully imbued with the idea that his party will win out in the November elections. During his stay of a fortnight or so on Kauai he stumped the island from Kekaha to Hanapepe in company with other Home Rulers. Seen this morning by a Bulletin reporter, he said:

"The conditions are just as they were at the last election. There are a large number of natives talking Republicanism, but if I am not mistaken, you will find these same men voting the Home Rule ticket. During my entire tour I did not hear the name of Prince Jonah Kalaniana'ole mentioned. It was invariably Wilcox."

"The natives of Kauai are in favor of having the leper settlement under Federal control. You know, of course, that they sent up a petition to that effect which was filed with the Senatorial Commission."

"The Home Rulers on Kauai are very active. Besides the candidates for the House, the candidate for the Senate, Mr. Kahilana, has been very busy stumping Hanalei and other places near by. Nakapahu, the long-term Senator from the Garden Isle, did great work at Kekaha, Waimea and Hanapepe while I was there."

Mr. Akina gives the following approximate summary of the registration on Kauai: Total for this year 1,090, or 269 over the total registration of two years ago. For Lihue he gives 250 this year as against 164 of two years ago, or an increase of 86; for Waimea, 189 as against 135, or an increase of 54; Kapaa and the Kawaihau district, 130 as against 87, or an increase of 43; Kekaha (Waimea district), 68 as against 39, or an increase of 29; Koloa, 125 as against 78, or an increase of 47; Kilauea, 40 as against 21, or an increase of 19; Hanapepe, Makaweli and Elele, 100 as against 80, or an increase of 20. As to Hanalei, Mr. Akina said he had not even obtained approximate figures. The registration last year was something like 118.

MADE THE HAWAII TOUR.

Walluku, Oct. 4. — Augustine Enos the wealthy Portuguese merchant and rancher of Walluku, accompanied by his wife, and also Mr. and Mrs. A. Enos Jr., returned last night from a two weeks' tour of Hawaii. They have made almost a circuit of the Big Island. They first landed at Kailua and from there they took the route for the Volcano, which they found quite active. Two days were spent with Madame Pele, and on return trip passed through Hilo and traveled along the Coast, boarding the Claudine at Kawaihau for Maalaea Bay. It was Mr. Enos' first trip to the crater in forty years, and he now wonders why he had not visited the place forty times since then.

Vote for Camara, Independent candidate for the Fourth District.

REGISTRATION IS NEARING THE END

Only Three More Days Before Board Sessions Close.

AN ALL DAY SESSION IS SET FOR THURSDAY

THREE SESSIONS A DAY NOW BE- ING HELD—TOTAL NUMBER EXCEEDS THAT OF LAST YEAR.

On Saturday night, when the Board of Registration had completed its session, the total number of voters registered was 5736. At this forenoon's session, the number reached 5797 or 61 more than Saturday night. The total registration for last year was 5690 so that, up to the present time, this number is exceeded by 197. This is thought to be a most excellent showing considering the fact that a large number of white mechanics who voted last time have left the country.

There are only four days left for voters to register and not six as stated in the Advertiser this morning. During that time and judging from the daily record since the Board returned from down the road, there should be an average registration of 75 which would put the total, in round figures, some 850 ahead of the total registration of last year.

In order that everybody may be accommodated, the Board of Registration has now begun to sit three times during the day—from 8 to 10 a. m., 12 m. to 1 p. m., and 8 to 10 p. m. There are a large number of laboring men living in the suburbs who, when their day's work is over, return to their places of abode and are too tired to come to town again in the evening. By having a session at the noon hour, these men will have time to call at Honolulu Hale and register.

This extra session is entirely complimentary on the part of the Board. The members do not get a cent extra compensation for their work.

On the last day of registration—Thursday, October 9—the Board will sit all day, from 8 a. m. to 8 p. m., so that everyone who has not registered may have a chance to do so.

There has been considerable complaint down the road on account of the short stay of the Board at some of the places along the route. Some of the natives living at a distance from the places where the Board sat, found it impossible to get there in time to register.

The Fifth District is ahead of the game in the matter of registration but the Fourth, notwithstanding the fact that sufficient notice has been given the voters through the columns of the press, is very slow and is still behind the mark although from a Republican standpoint, the result up to the present time would seem to be very satisfactory.

The Fourth District Committee is putting in some hard work and every man who has not registered is being called on by those into whose hands the work has been placed.



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